

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)

PATENT APPLICATION

Inventor(s): Mathis et al.)

Art Unit: 3731

Application No.: 10/066,426)

Examiner: Thomas C. Barrett

Filed: January 30, 2002)

Title: Fixed Length Anchor and Pull Mitral Valve
Device and Method)Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450SUPPLEMENTAL INFORMATION DISCLOSURESTATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

10/06/2004 MBLANCO 00000002 232415 10066426

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☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this

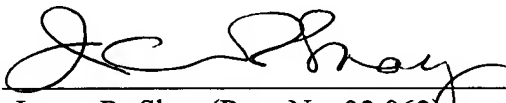
international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29912-706.201).

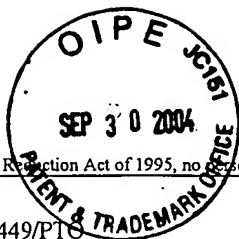
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 9/21/04

By: 
James R. Shay (Reg. No. 32,062)

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known		
		Application Number	10/066,426	
		Filing Date	January 30, 2002	
		First Named Inventor	Mark L. Mathis et al.	
		Art Unit	3738	
Examiner Name	Thomas C. Barrett			
Sheet		of	Attorney Docket Number	29912.706.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US4164046	8/14/1979	Cooley	
		US4485816	12/4/1984	Krumme	
		US4550870	11/5/1985	Krumme et al.	
		US4588395	5/13/1986	Lemelson	
		US4830023	5/16/1989	de Toledo et al.	
		US5061277	10/29/1991	Carpentier et al.	
		US5250071	10/5/1993	Palermo	
		US5261916	11/16/1993	Engelson	
		US5265601	11/30/1993	Mehra	
		US5514161	5/7/1996	Limousin	
		US5554177	9/10/1996	Kieval et al.	
		US5562698	10/8/1996	Parker	
		US5584867	12/17/1996	Limousin et al.	
		US5601600	2/11/1997	Ton	
		US5676671	10/14/1997	Inoue	
		US5733325	3/31/1998	Robinson et al	
		US5824071	10/20/1998	Nelson et al.	

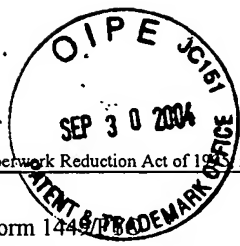
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 98/056435-A1	12/17/1998	Micro Therapeutics, Inc.		
		WO 00/044313-A1	8/3/2000	Viacor, Inc.		
		WO 01/000111-A1	1/4/2001	Solem et al.		
		WO 01/050985-A1	7/19/2001	Viacor, Inc.		

Examiner Signature		Date Considered	
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		Filing Date	January 30, 2002	
		First Named Inventor	Mark L. Mathis et al.	
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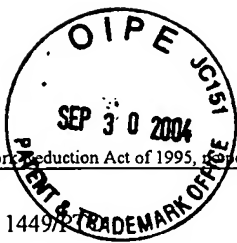
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US5891193	4/6/1999	Robinson et al.	
		US5895391	4/20/1999	Farnholtz	
		US5899882	5/4/1999	Waksman et al.	
		US5908404	6/1/1999	Elliot	
		US5928258	7/27/1999	Khan et al.	
		US5935161	8/10/1999	Robinson et al	
		US5961545	10/5/1999	Lentz et al.	
		US5984944	11/16/1999	Forber	
		US6027517	2/22/2000	Crocker et al.	
		US6077295	6/20/2000	Limon et al.	
		US6077297	6/20/2000	Robinson et al	
		US6096064	8/1/2000	Routh	
		US6099549	8/8/2000	Bosma et al.	
		US6099552	8/8/2000	Adams	
		US6129755	10/10/2000	Mathis et al.	
		US6190406-B1	2/20/2001	Duerig et al.	
		US6275730-B1	8/14/2001	KenKnight et al.	
		US2001/0044568-A1	11/22/2001	Langberg et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ - Number ² - Kind Code ⁵ (if known)				
		WO 01/087180-A2	11/22/2001	Gaber		
		WO 02/000099-A2	1/3/2002	Viacor, Inc.		
		WO 02/001999-A2	1/10/2002	Viacor, Inc.		
		WO 02/005888-A1	1/24/2002	Viacor, Inc.		
		WO 02/019951-A1	3/14/2002	Viacor, Inc.		
		WO 02/034118-A2	5/2/2002	Viacor, Inc.		
		WO 02/047539-A2	6/20/2002	Viacor, Inc.		

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		Filing Date	January 30, 2002	
		First Named Inventor	Mark L. Mathis et al.	
		Art Unit	3738	
		Examiner Name	Thomas C. Barrett	
Sheet		of	Attorney Docket Number	29912.706.201

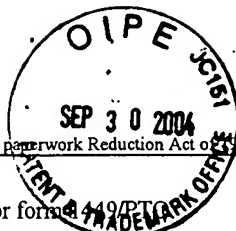
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		Number-Kind Code ² (if known)			
		US2002/0016628-A1	2/7/2002	Langberg et al.	
		US6352553-B1	3/5/2002	van der Burg et al.	
		US6352561-B1	3/5/2002	Leopold et al.	
		US6358195-B1	3/19/2002	Green et al.	
		US2002/0035361-A1	3/21/2002	Houser et al.	
		US2002/0042621-A1	4/11/2002	Liddicoat et al.	
		US2002/0042651-A1	4/11/2002	Liddicoat et al.	
		US2002/0049468-A1	4/25/2002	Streeter et al.	
		US2002/0055774-A1	5/9/2002	Liddicoat	
		US6395017-B1	5/28/2002	Dwyer et al.	
		US2002/0065554-A1	5/30/2002	Streeter	
		US6402781-B1	6/11/2002	Langberg et al.	
		US2002/0087173-A1	7/4/2002	Alferness et al.	
		US6419696-B1	7/16/2002	Ortiz et al.	
		US2002/0095167-A1	7/18/2002	Liddicoat et al.	
		US2002/0103532-A1	8/1/2002	Langberg et al.	
		US2002/0103533-A1	8/1/2002	Langberg et al.	
		US6442427-B1	8/27/2002	Boute et al.	
		US2002/0138044-A1	9/26/2002	Streeter et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/053206-A2	7/11/2002	Cardiac Dimensions, Inc.		
		WO 02/062263-A2	8/15/2002	Viacor, Inc.		
		WO 02/062270-A1	8/15/2002	Solem et al.		
		WO 02/062408-A2	8/15/2002	Viacor, Inc.		
		WO 02/076284-A2	10/3/2002	Viacor, Inc.		

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Substitute for form 449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known		
		Application Number	10/066,426	
		Filing Date	January 30, 2002	
		First Named Inventor	Mark L. Mathis et al.	
		Art Unit	3738	
Examiner Name	Thomas C. Barrett			
Sheet		of	Attorney Docket Number	29912.706.201

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		Number-Kind Code ² (if known)			
		US2002/0151961-A1	10/17/2002	Lashinski et al.	
		US2002/0169502-A1	11/14/2002	Mathis	
		US2002/0169504 A1	11/14/2002	Alferness et al.	
		US2001/0049558-A1	12/6/2002	Liddicoat et al.	
		US6503271-B1	1/7/2003	Duerig et al.	
		US2003/0018358-A1	1/23/2003	Saadat	
		US6537314-B1	3/25/2003	Langberg et al.	
		US2003/0069636-A1	4/10/2003	Solem et al.	
		US2003/0078654-A1	4/24/2003	Taylor et al.	
		US2003/0083538-A1	5/1/2003	Adams et al.	
		US2003/0088305-A1	5/8/2003	Van Schie et al.	
		US6569198-B1	5/27/2003	Wilson et al.	
		US2003/0105520-A1	6/5/2003	Alferness et al.	
		US6589208-B1	7/8/2003	Ewers et al.	
		US2003/0130730-A1	7/10/2003	Cohn et al.	
		US2003/0130731-A1	7/10/2003	Vidlund et al.	
		US2003/0135267-A1	7/17/2003	Solem et al.	
		US2003/0144697-A1	7/31/2003	Mathis et al.	
		US6602288-B1	8/5/2003	Cosgrove et al.	
		US6602289-B1	8/5/2003	Colvin et al.	

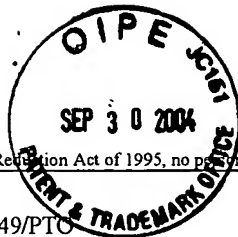
FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/078576-A2	10/10/2002	Viacor, Inc.		
		WO 02/096275-A2	12/5/2002	Viacor, Inc.		
		WO 03/015611-A2	2/27/2003	Viacor, Inc.		
		WO 03/049647-A1	6/19/2003	Reitan		
		WO 03/059198-A2	7/24/2003	Viacor, Inc.		

Examiner Signature	Date Considered
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			Art Unit	3738
			Examiner Name	Thomas C. Barrett
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		US6623521-B1	9/23/2003	Steinke et al.	
		US6626899-B1	9/30/2003	Houser et al.	
		US6656221-B1	12/2/2003	Taylor et al.	
		US2004/0019377-A1	1/29/2004	Taylor et al.	
		US2004/0039443-A1	2/26/2004	Solem et al.	
		US6716158-B2	4/6/2004	Raman et al.	
		US6718985-B2	4/13/2004	Hlavka et al.	
		US6723038-B1	4/20/2004	Schroeder et al.	
		US6764510-B2	7/20/2004	Vidlund et al.	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/066,426
				Filing Date	January 30, 2002
				First Named Inventor	Mark L. Mathis et al.
				Art Unit	3738
				Examiner Name	Thomas C. Barrett
				Attorney Docket Number	29912.706.201
Sheet		of			

NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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FEE TRANSMITTAL

SEP 30 2004

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Complete if Known

Application Number	10/066,426
Filing Date	January 30, 2002
First Named Inventor	Mathis
Examiner Name	T. Barrett
Art Unit	3738
Attorney Docket No.	29912-706.201

TOTAL AMOUNT OF PAYMENT	(\$ 180.00)
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METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number	23-2415
Deposit Account Name	Wilson Sonsini Goodrich & Rosati

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment fee(s)☐ Charge fees(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3** =		
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater; For Reissues, see below


FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 180.00**SUBMITTED BY**

Name (Print/Type)	James R. Shay	Registration No. (Attorney/Agent)	32,062	Telephone	650-493-9300
Signature			Date	September 30, 2004	

(Complete if applicable)

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